

IN THE UNITED STATES BANKRUPTCY COURT  
District of Puerto Rico

In the Matter of:

MELISSA DE HOSTOS ALVAREZ

Debtor(s)

Case No. 12-00857 MCF

Chapter 13

**OPPOSITION TO MOTION BY BANCO POPULAR FOR RELIEF FROM AUTOMATIC  
STAY**

**TO THE HONORABLE COURT:**

The undersigned, attorney for the above-named debtor, notifies the Court as follows,

1. On July 2013 creditor Banco Popular filed a motion requesting lift of stay on debtor's residential real estate property. In its motion creditor represented that debtor was behind in post-petition payments up to July 2013. Debtor paid those arrears and agreed to modify plan after confirmation in order to include attorney's fees charged in the motion. The PCM is still pending because creditor has not amended claim to include those attorney's fees as requested by the trustee. We do not consider appropriate to file an amended claim on behalf of Banco Popular because there the bank is already represented by attorney.
2. In January 7, 2014 creditor filed another motion seeking the lift of stay alleging that debtor has accumulated arrears for November 2013, December 2013 and January. Creditor is again charging \$500.00 as attorney's fees.
3. We consider this last request for lift of stay a harassment from creditor because November was already included in a payment debtor made on November 29. At that time debtor visited Banco Popular facilities and was told that in order to be current she needed to pay \$2,0074.80. She prepared a money order and paid exactly that amount. However, in the motion for relief of stay creditor is trying to collect the month of November and January that still is covered by the grace period. That behavior makes evident that December 2014 is the only month in default and there is no reason to file a motion requesting lift of stay just for one month merely to charge additional attorney's fees (evidence of payments are included since July through November 2012 together with a table of payments to illustrate how payments should have been applied). Debtor will pay December 2013 and January 2014 not later than next January 16.

**WHEREFORE**, we respectfully request from this Honorable Court to take notice of the informed above and deny motion requesting relief of stay.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY**, that on this same date a true and exact copy of the foregoing has been filed with the Clerk of the Court that will be notified to the Chapter 13 Trustee José R. Carrión Morales and all other appearing parties using the Court's CM/ECF system.

In Vega Baja, Puerto Rico, on this January 12, 2014

s/ Juan O. Calderon Lithgow  
**JUAN O. CALDERON LITHGOW**  
ATTORNEY FOR DEBTOR, 205607  
APARTADO 1710  
VEGA BAJA, PR 00694-1710  
TEL.: 787-858-5476  
Email: [caldlithlaw@gmail.com](mailto:caldlithlaw@gmail.com)

THIS DOCUMENT HAS A VOID PANTOGRAPH - BORDER CONTAINS MICROPRINTING AND A TRUE WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK

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**BANCO POPULAR.**

BANCO POPULAR DE PUERTO RICO  
PO Box 362708 San Juan, Puerto Rico 00936-2708  
Sucursal Bayamon Oeste 240 20130716

**OFFICIAL CHECK**

Check No. 103124000021103  
Date 07/16/2013

PAY: TWO THOUSAND FORTY EIGHT DOLLARS  
AND 20/100

**\$2,048.20**  
Over \$25,000.00 Two Signatures Required

TO THE ORDER OF BPPR

REMITTER: MELISSA DE HOSTOS ALVAREZ  
FDIC Member and Federal Reserve System

Authorized Signature

*Pegea may juvie  
y julio 2013*

*12-00857 MCF*

#0710100105 73040  
Four Hundred Four Thousand Two Hundred Thirty Five  
⑆021502011⑆ 0000010316⑆



115 SANTA ROSA  
Date: 09/12/2013 Time: 2:00 pm  
Teller ID: 15

Trans. / Sequence	Trans. Description / Account Number	Amount
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195 Check Cashed XXXXX0707		\$695.00
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MORTGAGE PROV 014 Payment 071010010577040 Paid Amount		\$695.00
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Este recibo es el comprobante de sus  
transacciones. Consérvelo para reconciliar su  
estado de cuenta, para alguna reclamación  
o devoluciones de Especiales Musicales.  
- Gracias por permitirnos Servirle !  
TeleBanco Popular 767-724-3650 ó 1-888-724-3650  
[www.bancopopular.com](http://www.bancopopular.com)

Agosto 2013



**BANCO POPULAR**

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Sucursal Bayamon Des

Date: 11/29/2013

Time: 10:41 am

Teller ID: 17

Trans. / Sequence	Trans. Description / Account Number	Amount
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157	ATM Withdrawal	\$974.80
	XXXXXXXXXX4240	
	Cash From Client	\$1,100.00

MORTGAGE PRDV 014 Payment

071010010577040

Paid Amount \$2,074.80

Este recibo es el comprobante de sus transacciones. Consérvelo para reconciliar su estado de cuenta, para alguna reclamación o devoluciones de Especiales Musicales.

- Gracias por permitirnos Servirle !

TeleBanco Popular 787-724-3650 ó 1-868-724-3650

[www.bancopopular.com](http://www.bancopopular.com)



Nombre del deudor:		MELISSA DE HOSTOS		
Número de caso:		12-00857-MCF13		
HISTORIAL DE PAGO DEL CLIENTE DE QUIEBRA				
(Es su obligación mantener la evidencia de todos los pagos hechos)				
(Si no conserva la evidencia y su pago se extravía es posible que tenga que pagar de nuevo)				
MANTENER LOS PAGOS DEL PLAN DE QUIEBRAS				
	Periodo de pago	Número de Cheque	Fecha del cheque de pago	Cantidad del pago
1	6-Mar-12		1	\$665.00
2	6-Apr-12		2	\$665.00
3	6-May-12		3	\$665.00
4	6-Jun-12		4	\$665.00
5	6-Jul-12		5	\$665.00
6	6-Aug-12		6	\$665.00
7	6-Sep-12		7	\$665.00
8	6-Oct-12		8	\$665.00
9	6-Nov-12			\$665.00
10	6-Dec-12			\$665.00
11	6-Jan-13			\$665.00
12	6-Feb-13			\$665.00
13	6-Mar-13			\$665.00
14	6-Apr-13			\$665.00
15	6-May-13			\$665.00
16	6-Jun-13			\$665.00
17	6-Jul-13	Lift of Stay	Deuda Post-pet	\$665.00
18	6-Aug-13	pago 695.00	12-Sep	\$665.00
19	6-Sep-13	pago de \$2,064.74	29-Nov	\$665.00
20	6-Oct-13	sept, oct	19	\$665.00
21	6-Nov-13	Nov	pagados con los \$2,064.74	\$665.00
22	6-Dec-13	Se debe		\$665.00
23	6-Jan-14	Se debe		\$665.00
24	6-Feb-14			
25	6-Mar-14			
26	6-Apr-14			
27	6-May-14			
28	6-Jun-14			
29	6-Jul-14			
30	6-Aug-14			
31	6-Sep-14			
32	6-Oct-14			
33	6-Nov-14			
34	6-Dec-14			
35	6-Jan-15			
36	6-Feb-15			
37	6-Mar-15			
38	6-Apr-15			
39	6-May-15			
40	6-Jun-15			
41	6-Jul-15			
42	6-Aug-15			
43	6-Sep-15			

44	6-Oct-15			
45	6-Nov-15			
46	6-Dec-15			
47	6-Jan-16			
48	6-Feb-16			
49	6-Mar-16			
50	6-Apr-16			
51	6-May-16			
52	6-Jun-16			
53	6-Jul-16			
54	6-Aug-16			
55	6-Sep-16			
56	6-Oct-16			
57	6-Nov-16			
58	6-Dec-16			
59	6-Jan-17			
60	6-Feb-17			
			Lump Sum	
			Lump Sum	
			Lump Sum	
			Total de pagos	\$15,295.00

Propósito del Pago:

Nombre de persona o agencia que lo recibe